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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Gregory A. Kaepf

Group Art Unit: 3611

Serial No.: 10/710,424

Examiner: Hurley, Kevin

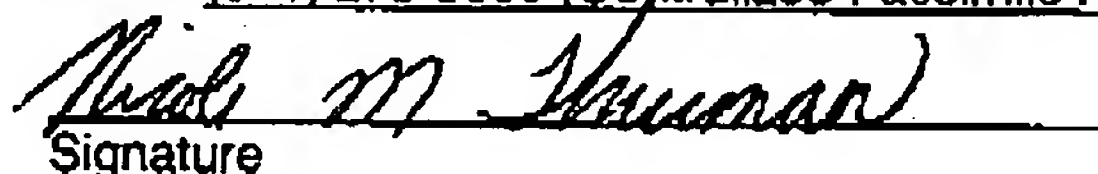
Filed: 07/09/2004

For: AUTOMOTIVE BUMPER WITH INTEGRAL HITCH COVER

Docket No: 81105266

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the US Patent and Trademark Office to fax number (571) 273-8300 (Centralized Facsimile Number).


Signature

Date: 2/22/06

Nicole M. Thurman

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL BRIEF ON APPEAL

Sir:

The following Supplemental Appeal Brief is submitted pursuant to the Notice of Non-compliant Appeal Brief dated February 6, 2006.

Remarks

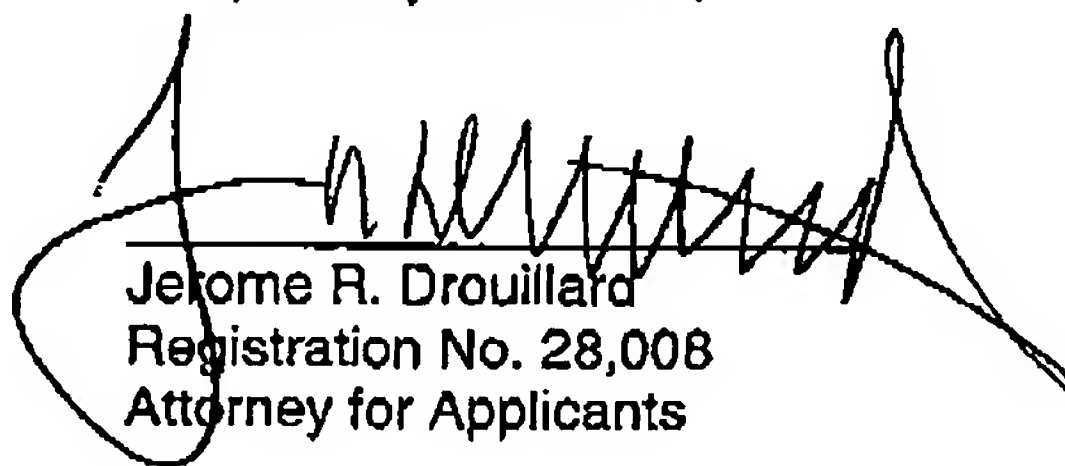
In part IV of Appellants' brief, "Status of Amendments", it was erroneously stated that no amendment had been filed after the final rejection. What should have been stated was that an amendment was filed. This amendment followed along the lines of recommendations made by the Examiner during a telephone conversation, but the Examiner did not enter the Amendment.

The Examiner states at paragraph 10 of the Notice of Non-Compliant Appeal Brief that "the claims in the Appendix have been copied from the above noted amendment which has not been entered. Applicants' arguments are thus directed to claims which have not been entered. The claims which were subject to final rejection were submitted with the RCE filed March 16, 2005, a copy of which is attached. The claims are significantly different in scope."

Appellants respectfully submit however that the claims are not significantly different in scope. In this regard the Examiner's attention is directed to the amendment which was filed on July 20, 2005, wherein certain limitations were merely re-located within claims 1 and 4, the only independent claims in the case. The access door is described as overlapping and being supported by the bumper cover, in addition to the hitch receiver. These limitations were discussed with Examiner Hurley during an earlier telephone conversation. During that conversation, the Examiner seemed to agree that these limitations were contained within the four corners of the claims. Thus, it is surprising that the Examiner has now determined the claims to be "significantly different in scope". Appellants respectfully submit that the claim scope has no real difference, given that the limitations were already contained elsewhere in the claims. In this regard, Appellants respectfully request that this Appeal be allowed to go forward without further delay.

Please charge any fees required in the filing of this supplemental to Deposit Account 06-1510.

Respectfully submitted,



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